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SUBJECT: MARINE CASE: ANOTHER DEFENDANT SPEAKS TO MEDIA

REF: MANILA 2962 AND PREVIOUS

¶1. LCpl Daniel Smith, one of the four marines currently on trial for alleged rape, gave an interview to the Associated Press on Saturday July 15. Local media featured his remarks extensively. He talked about how his "life has come to a screeching halt" due to the alleged incident and trial, and how his family is "praying for the day that I tell them I'm cleared of all these allegations." LCpl Smith said he "just can't understand why she (the complainant) would do this to me. When I met her she seemed like a really nice person." He also said that, if given the chance to talk to the accused now, he would simply ask "Why?" LCpl Smith added that his family was "stressed beyond belief" but that family members are being "as good as they can be, with their son being accused in a foreign country." LCpl Smith also noted that he has said 'no' several times to his family coming to the Philippines to visit him because he knows "it would be even harder for them to leave me." LCpl Smith did not answer questions about the case or give his own version of what happened on November 1, 2005.

¶2. After a courtroom encounter with a journalist, apparently he agreed to answer some written questions. One of LCpl Smith's attorneys, Patricia Formosa, facilitated this interview by delivering questions from the AP and from the Philippine Star, to LCpl Smith. He and Ms. Formosa answered the questions together, after which Ms. Formosa delivered the written responses back to the AP and the Star.

¶3. Embassy personnel and III MEF handlers were unaware that LCpl Smith intended to give this interview and did not know that the interview even took place until the local media coverage broke on July 17. We are re-doubling our efforts to ensure that all four marines are aware of the procedures to be followed should they wish to deal with the media.
Kenney